

Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



28 April 2022

Brendan J Duffy
Chair of the Local Government Commission
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Tēnā koe Brendan,

Thank you for your September 2021 report on Local Government Codes of Conduct (the Report). I thank the Local Government Commission for their thorough investigation, and consider that the Report provides a comprehensive overview of the issues concerning the current codes of conduct system.

I was pleased to see the comprehensive engagement you undertook with the local government sector, ensuring the Report provides the perspectives of councils across the country and includes the views and expertise of other sector bodies.

I also thank the Commission for the nine recommendations presented for my consideration.

As you are aware, the Ministerial Review into the Future for Local Government (the Review) is currently underway. At the conclusion of the Review in April 2023, the Review Panel will present a report that will make recommendations for the future state of local government in Aotearoa New Zealand. While this significant Review is underway, it is important that any work progressed around our current system of local democracy is undertaken within the context of the Review's work programme and delivery timeframes.

I support the Commission in the establishment of an education working group

I agree with *Recommendation i* and support the Commission in the formation of a working group that will work to identify a sector specific education framework.

I am looking forward to the findings of this working group, and I believe that this is an exciting area for the Commission to undertake further work to see how they can best support the sector in strengthening local governance. Ensuring our elected members, and the council staff that support them, have access to comprehensive governance education and development resources is integral to a system of effective local democracy.

It is timely for the Commission to be undertaking this work. With the local elections taking place in October 2022, the Commission will be able to engage with stakeholders involved in all stages of the electoral process, from pre-candidacy to the induction of a new council.

While I do not expect the Commission to have compiled their findings prior to the elections, I do encourage you to identify any opportunities to support or improve existing education programmes. I believe that working closely with the sector bodies who currently provide these services and resources will be very important to the success of this research, and am encouraged that *Recommendation i* specifically highlights that this working group will seek to include a diverse range of sector stakeholders

I request that the Commission lead this working group to produce a report on these respective issues. This should be presented to me in the first half of 2023, so any changes recommended can be considered alongside the Review findings. While undertaking this work, the Commission should engage with the Review and Review Panel to understand how to best align their research and reporting with the wider review.

I will consider the Commission's recommendations for legislative change in the context of the findings of the Future for Local Government Review

Recommendations iii, iv, v, vi, viii and ix ask for my promotion of legislative change. While I support some of the findings these recommendations are based on, at this time I will not be progressing any legislative change in this area. The current timing of the Review's work programme, along with several other substantial reforms to the sector, mean that it is not feasible to progress significant and un-signalled legislative changes before the Review is completed. The findings in the Report will provide useful analysis for the work programme formulated following the end of the Review, and these legislative changes will be considered as part of any legislative changes promoted at that time.

Recommendation ii asks for the Commission to further investigate and engage with the sector about the development of standardised code, including standardised processes for around confidentiality and the handling of information.

I understand from the report that while the standardised code currently produced by Local Government New Zealand is widely used as the basis for most council's codes of conduct, the Commission is concerned by the inability to legally require councils to include certain standard provisions.

For this reason, I believe that without certainty that a standardised code of conduct will be enshrined in legislation, it is not an appropriate time to progress further work in this area. I suggest that this investigation and engagement be progressed at a later time with the other legislative recommendations.

The Commission should not progress Recommendation vii

Recommendation vii asks for the Commission to explore with the sector the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member where the member is no longer able to democratically represent their electors.

I thank the Commission for the thorough discussion in the Report of the complexities of a process to remove an elected member and I acknowledge the Recommendation specifies that any further investigation in this space would have significant considerations around the risk to democratic principles.

However, in the context of the significant reforms facing the sector, I do not consider that it is appropriate to progress any work that may attempt to alter local democracy provisions. I ask the Commission to not progress this Recommendation, or any other investigation into a process that would allow for the removal on an elected member under a council's code of conduct.

Again, I thank the Commission for the report, and the work you perform to improve good local government in New Zealand, and the promotion of good practice across the sector. I am looking forward to the reports produced as a continuation of this work and how the Commission's findings will complement the significant review of the future state of local government in Aotearoa New Zealand.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. Mahuta', with a stylized flourish at the end.

Hon Nanaia Mahuta
Minister of Local Government